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Paper No. 8

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JUN 20 2001

In re Application of :
Krivitski & Drost :
Application No. 09/419,849 : **DECISION ON PETITION**
Filed: October 19, 1999 : **TO MAKE SPECIAL**
Attorney Docket No. 86017.000010 :

This is a decision on the petition under 37 C.F.R. § 1.102(d), filed February 6, 2001, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item II: Infringement.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, Section II, must be accompanied by the required fee pursuant to 37 C.F.R. § 1.17(I) and allege facts under oath or declaration to show, or indicate why it is not possible to show, that:

1. there is an infringing device or product actually on the market or method in use,

2. when the alleged infringing device, product or method was first discovered; supplemented by an affidavit or declaration of the applicant's attorney to show :

3. that a rigid comparison on the alleged infringing device, product or method with the claims of the application was made,

4. that the claims are unquestionably infringed,

5. that a careful search of the prior art was made or that applicant has good

knowledge of the pertinent prior art, and

6. that applicant believes all of the claims in the application are allowable.

The petition meets the above-listed requirements for special status.

The petition is GRANTED.

The application is being forwarded to the examiner for expedited prosecution.

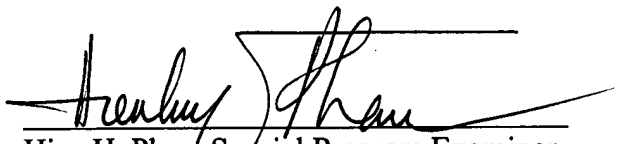
If the examiner can make this application special without prejudice to any possible interfering applications, and she should make a rigid search for such, she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, she should consider such application simultaneously with this application and should state in the official letter of such application that she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.



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